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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/846,078	04/30/2001	John R. Gustafson	K35A0878	4539
35219	7590	07/14/2004	EXAMINER	
WESTERN DIGITAL TECHNOLOGIES, INC.			ADDISON, KAREN B	
20511 LAKE FOREST DR. -C205			ART UNIT	
LAKE FOREST, CA 92630			PAPER NUMBER	
			2834	

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/846,078

Applicant(s)

GUSTAFSON ET AL.

Examiner

Karen B Addison

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 4/22/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4,6-19 and 21-30 is/are pending in the application.
- 4a) Of the above claim(s) 5 and 20 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-13 and 21-28 is/are allowed.
- 6) ☒ Claim(s) 1-4,14-19,29 and 30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Allowable Subject Matter***

1. Claims 6-13, 21-28 allowed.

Prior art fails to show at least one reduced height stator tooth having at least two reduced height stator tooth laminate layers horizontally off-set from an vertically formed towards each other, the reduced height stator tooth positionable adjacent to the head stack assembly for allowing the head stack assembly to pivot over the reduce height stator tooth.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 14-19, 29-30 are rejected under 35 U.S.C. 102(a) as being anticipated by Morita(5798583).

Morita discloses spindle motor in figs.1-6 comprising: a spindle motor hub (30); a magnet (38) radially attached about the spindle motor hub; and a stator (32) including a stator rim (43) formed of at least two vertically stacked stator rim laminated layers a plurality of stator teeth (44) arrayed about and internally extending from the stator rim, and the stator teeth being sized to fit about the magnet in operable communication therewith. Wherein; the stator teeth includes laminated layers having at least one

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reduced height stator tooth (44), the reduced height stator tooth has fewer layer than the remainder of the stator teeth and the reduce height stator tooth being positionable adjacent to the head stack (20) assembly for the purpose allowing the head stack assembly to pivot over the reduced height stator tooth. Morita also shows the reduce height stator tooth having distal shoes extending (45,45A) and the reduce height stator tooth (44) having a width greater ( $w_2$ ) than a remainder of the stator teeth (fig.6) and a reduce height stator tooth having laminating layers formed to have second thickness (43) less than the first thickness (45) for the purpose of improving the magnetic circuit characteristic.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen B Addison whose telephone number is 571-272-2017. The examiner can normally be reached on 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on 571-272-2204. The fax phone number for the organization where this application or proceeding is assigned is 571-272-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KBA  
7/7/04



BURTON S. MULLINS  
PRIMARY EXAMINER